

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

IN THE MATTER OF A MEMBER OF
THE STATE BAR OF ARIZONA,

**CLARENCE CALVIN,
Bar No. 020397**

Respondent.

PDJ-2014-9105

FINAL JUDGMENT AND ORDER

[State Bar No. 13-1052, 13-3468, 13-3472 and 14-0874]

FILED APRIL 30, 2015

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on April 10, 2015, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED Respondent, **Clarence Calvin**, is hereby suspended for a period of six months and one day. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona for his or her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective May 30, 2015.

IT IS FURTHER ORDERED Mr. Calvin shall timely file the Petitions for Fee Arbitration set forth in the Consent Documents and pay restitution as follows:

1. Respondent shall file a Petition for Fee Arbitration no later than 10 days after the entry of the Final Judgment and Order in this matter regarding his

representation of Adam Burkhalter and/or Candace Cambern, Count Two [File No. 12-3468].

2. Respondent shall file a Petition for Fee Arbitration no later than 10 days after the entry of the Final Judgment and Order in this matter regarding his representation of Thomas Navarro, Count Three [File No. 13-3472]; and
3. Respondent shall pay \$166.00 to Natalie Quaranta.

IT IS FURTHER ORDERED upon reinstatement, Mr. Calvin shall be placed on two years of probation with the State Bar's Member Assistance Program (MAP) as set forth in State Bar No. 12-2413.

IT IS FURTHER ORDERED Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge or by a Hearing Panel as a result of reinstatement hearings held.

IT IS FURTHER ORDERED in the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof, is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

IT IS FURTHER ORDERED that, pursuant to Rule 72 Ariz. R. Sup. Ct., Respondent shall immediately comply with the requirements relating to notification of clients and others.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,216.95, within 30 days from the date of service of this Order or interest will accrue at the statutory rate. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings.

DATED this 30th day of April, 2015.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 30th day of April, 2015.

Clarence Calvin
17 W. Vernon Ave Unit 15
Phoenix, AZ 85003-1161
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Respondent

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Senior Bar Counsel
State Bar of Arizona
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Lawyer Regulation Records Manager
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4201 N 24th Street, Suite 100
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by: JAlbright

**BEFORE THE PRESIDING DISCIPLINE
JUDGE**

IN THE MATTER OF A MEMBER OF THE
STATE BAR OF ARIZONA,

**CLARENCE CALVIN,
Bar No. 020397**

Respondent.

No. PDJ-2014-9105

**DECISION ACCEPTING
CONSENT FOR DISCIPLINE**

[State Bar Nos. 13-1052, 13-
3468, 13-3472, 14-0874]

FILED APRIL 30, 2015

An Agreement for Discipline by Consent (Agreement) was filed under Supreme Court Rule 57 on April 10, 2015. A Probable Cause Order was issued on October 20, 2014 and the formal complaint was filed on December 23, 2014.

Supreme Court Rule 57(a) authorizes filing consent agreements with the presiding disciplinary judge ("PDJ") after the authorization by the Attorney Discipline Probable Cause Committee to file a complaint. Rule 57(a)(3)(B), specifically provides:

If the agreement is reached before the authorization to file a formal complaint and the agreed upon sanction includes a reprimand or suspension, or if the agreement is reached after the authorization to file a formal complaint, the agreement shall be filed with the disciplinary clerk to be presented to the presiding disciplinary judge for review. The presiding disciplinary judge, in his or her discretion or upon request, may hold a hearing to establish a factual basis for the agreement and may accept, reject, or recommend the agreement be modified.

Supreme Court Rule 57 requires conditional admissions be tendered solely "...in exchange for the stated form of discipline..." The right to an adjudicatory hearing is waived only if the "...conditional admissions and proposed form of discipline is

approved....” If the agreement is not accepted, the conditional admissions are automatically withdrawn and shall not be used against the parties in any subsequent proceeding. Rule 57(a)(4)(C), Ariz. R. Sup. Ct.

Notice of this agreement was provided to the complainant “telephonically/and or mail” on March 27, 2015, April 7, 2015 and April 9, 2015 under Supreme Court Rule 53(b)(3). Complainant was also notified of the opportunity to file any written objection to the Agreement with Independent Bar Counsel within five business days of bar counsel’s notice. That time has now passed. No objection has been filed.

Mr. Calvin conditionally admits in Count One, he violated Rule 54(e), Rule 42, ER 8.1 and Rule 54(d). In Count Two, he conditionally admits he violated Rule 42, ER 1.3, 1.4 and Rule 54(d). In Count Three he conditionally admits he violated Rule 42, ERs 1.3, 1.4, 1.5, 1.15, 1.16 and 8.4(d). In Count Four he conditionally admits he violated Rule 42, ERs 1.3, 1.4, 1.5, 1.15, 1.16 and 8.4(d). The parties agree to a suspension of six months and one day and costs.

In Count One, Mr. Calvin failed to diligently represent or communicate with his client who was the Complainant. He executed a diversion agreement. He failed to timely complete his MCLE program as required and did not respond to the State Bar screening letter.

In Count Two, the client of Mr. Calvin was the Complainant. Mr. Calvin was hired to initiate formal proceedings in Family Court and was paid \$3,000. He never finalized or filed the pleadings. Mr. Calvin failed to respond to the “many messages” of his client.

In Count Three, the client of Mr. Calvin was the Complainant. Mr. Calvin represented a client in 2004 in a dissolution matter that was resolved in 2007. In

November 2012, the client paid Mr. Calvin \$2,500.00 to “intervene and prevent [the] child’s mother from relocating [the] daughter out of state on short notice.” Mr. Calvin filed an objection to the relocation and requested a hearing. The parties were able to resolve the custody/relocation dispute themselves. Mr. Calvin thereafter failed to communicate with his client regarding the amicable resolution from December 2012 through June 2013. Mr. Calvin also repeatedly failed to provide his client with an accounting or refund of the \$2,500.00. Mr. Calvin asserts he drafted pleadings on behalf of the client, wrote off most of the fees, and continued to provide legal advice to his client after the original representation. Mr. Calvin further asserts that he has ceased practicing law.

In Count Four, the client of Mr. Calvin was the Complainant. Mr. Calvin represented a client in a dissolution matter. A notice of appearance was filed April 23, 2013. The client paid Mr. Calvin \$3,000.00 for representation. On October 14, 2013, a status conference was scheduled. Mr. Calvin appeared telephonically without prior approval from the court. The client was unaware of the scheduled conference and as a result did not appear. Opposing counsel objected to Mr. Calvin’s telephonic appearance. The Court awarded opposing counsel \$450.00 in attorney fees to be paid by the client no later than January 31, 2014. Substitute counsel was thereafter obtained by the client, who then filed a motion to set aside the judgment. The Court did not set aside the judgment, however, the parties agreed the judgment was the result of Mr. Calvin’s conduct and would be considered null and void.

In considering an appropriate sanction, the PDJ is guided by the American Bar Association *Standards for Imposing Lawyer Sanctions (Standards)*. The parties stipulated that the presumptive sanction in this matter is suspension. The PDJ

determined the agreed upon sanction (six month and one day suspension and the imposition of costs and expenses) will fulfill the purposes of discipline and protect the public.

Aggravating and Mitigating Factors: 9.22(a) prior disciplinary offenses, 9.22(c) pattern of misconduct, 9.22(d) multiple offenses, 9.22(e) bad faith obstruction to disciplinary proceedings by intentionally failing to comply with rules, and 9.22(i) (substantial experience in the practice of law).

Mitigating factors: The parties list 9.32(c) personal or emotional problems. However, the record is devoid of evidence to support this factor. The PDJ however, takes judicial notice of Mr. Calvin's noncompliance matter, PDJ 2015-9019 in which 2 years of probation with the State Bar's Member Assistance Program (MAP) was imposed.

Restitution

The parties have agreed to restitution as follows:

1. Respondent shall file a Petition for Fee Arbitration no later than 10 days after the entry of the Final Judgment and Order in this matter regarding his representation of Adam Burkhalter and/or Candace Cambern, Count Two [File No. 12-3468].
2. Respondent shall file a Petition for Fee Arbitration no later than 10 days after the entry of the Final Judgment and Order in this matter regarding his representation of Thomas Navarro, Count Three [File No. 13-3472]; and
3. Respondent shall pay \$166.00 to Natalie Quaranta.

The PDJ having found the parties have appropriately applied the *Standards* in arriving at the agreed upon sanction, accordingly:

IT IS ORDERED incorporating by this reference the Agreement and any supporting documents by this reference. Respondent agrees to pay costs associated with the disciplinary proceedings in the amount of \$1,216.95.

IT IS FURTHER ORDERED the Agreement is accepted. Costs as submitted are approved for \$1,216.95. Now therefore, the final judgment and order is signed this date and the suspension shall be effective on May 30, 2015.

DATED this 30th day of April, 2015.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 30th day of April, 2015:

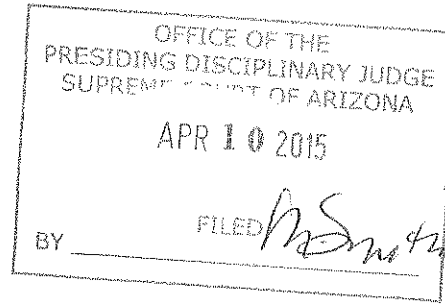
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**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

IN THE MATTER OF A CURRENT MEMBER
OF THE STATE BAR OF ARIZONA,

**CLARENCE CALVIN,
Bar No. 020397**

Respondent.

PDJ 2014-9105

**AGREEMENT FOR DISCIPLINE BY
CONSENT**

State Bar File Nos. 13-1052, 13-3468,
13-3472 and 14-0874

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Clarence Calvin, who has chosen not to seek the assistance of counsel, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was entered on October 20, 2014, and a formal complaint was filed on December 23, 2014 in this matter. Respondent voluntarily waives the right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the complainant(s) telephonically and/or mail on March 27, 2015, April 7, 2015 and April 9, 2015. Complainant(s) have been notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice.

Respondent conditionally admits that his conduct, as set forth below, violated the following ethical rules:

Count One: Rule 54(e), Ariz. R. Sup. Ct., Rule 42, Ariz. R. Sup. Ct., ER 8.1 and Rule 54(d);

Count Two: Rule 42, Ariz. R. Sup. Ct., ER 1.3, Rule 42, Ariz. R. Sup. Ct., ER 1.4 and Rule 54(d);

Count Three: Rule 42, Ariz. R. Sup. Ct., ER 1.3, Rule 42, Ariz. R. Sup. Ct., ER 1.4, Rule 42, Ariz. R. Sup. Ct., ER 1.5, Rule 42, Ariz. R. Sup. Ct., ER 1.15, Rule 42, Ariz. R. Sup. Ct., ER 1.16 and Rule 42, Ariz. R. Sup. Ct., ER 8.4(d);

Count Four: Rule 42, Ariz. R. Sup. Ct., ER 1.3, Rule 42, Ariz. R. Sup. Ct., ER 1.4, Rule 42, Ariz. R. Sup. Ct., ER 1.5, Rule 42, Ariz. R. Sup. Ct., ER 1.15, Rule 42, Ariz. R. Sup. Ct., ER 1.16 and Rule 42, Ariz. R. Sup. Ct., ER 8.4(d).

Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Long-Term Suspension of Six Months and One Day. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order, and if costs are

not paid within the 30 days, interest will begin to accrue at the legal rate.¹ The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

FACTS

GENERAL ALLEGATIONS

1. Respondent was licensed to practice law in Arizona on December, 15, 2000.

COUNT ONE (File No. 13-1052/State Bar)

1. On or about June 28, 2013, Complainant contacted a State Bar A/CAP attorney to file a bar charge against Respondent for, among other things, Respondent's failure to diligently represent or communicate with Complainant regarding a Maricopa County Superior Court domestic relations case. Complainant also alleged that Respondent failed to properly terminate the representation.

2. On September 5, 2013, Respondent executed a Diversion Agreement for violations of Rule 42, Ariz. R. Sup. Ct., ERs 1.3, 1.4 and 1.16 requiring Respondent to participate in a limited consultation with the Law Office Management Assistance Program (LOMAP) and complete the Continuing Legal Education (CLE) program "Avoiding Ethical Pitfalls".

3. Although Respondent timely met with LOMAP members, Respondent failed to complete the CLE program timely as required by the Diversion Agreement. Respondent has recently provided the State Bar proof of his April 2015 completion of the CLE program.

¹ Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the Disciplinary Clerk, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

4. On September 30, 2014, the matter was referred to Discipline Bar Counsel for screening.

5. On October 3, 2014, the State Bar mailed Respondent an initial screening letter requesting that a response to the allegations to be provided within twenty days. The initial screening letter also informed Respondent that his failure to fully and honestly respond to, or cooperate with the investigation are grounds for discipline pursuant to Rule 54(d) and Rule 42, Ariz.R.Sup.Ct., ER 8.1(b).

6. During the investigation, Respondent did not timely respond to the State Bar regarding this matter.

7. During the investigation of these allegations, the State Bar unsuccessfully attempted to contact Respondent regarding this matter as well as other State Bar files at all of Respondent's last known addresses.

COUNT TWO (File No. 13-3468 /Burkhalter and Cambern)

8. In or around January 2013, Respondent met with Complainant for an initial consultation regarding certain domestic relation issues including, but not limited to, establishing paternity, visitation and child support.

9. In April 2013, Complainant hired Respondent to draft a letter to Mother addressing Complainant's concerns with her regarding their child.

10. On or around April 22, 2013, a letter was sent and negotiations began between Respondent and Mother.

11. When negotiations failed, Complainant requested that Respondent initiate formal proceedings in Family Court.

12. Complainant paid Respondent a total of Three Thousand Dollars (\$3,000.00) over the course of the representation.

13. On May 23, 2013, Mother requested and received an Order of Protection against Complainant. Pursuant to Complainant's request, Respondent requested a hearing on the Order of Protection. Complainant and Respondent appeared at the order of protection hearing at which time the Order was quashed as Mother failed to appear.

14. While Respondent prepared certain draft pleadings on or about May 30, 2013, Respondent e-mailed Complainant to obtain certain documents necessary before filing.

15. On June 7, 2013, Complainant faxed the requested documents to Respondent but the pleadings were apparently never finalized or filed with the Court.

16. On July 22, 2013, Co-Complainant Cambern e-mailed Respondent and requested that Respondent respond to the "many messages" by contacting either her or her son with an update regarding the domestic relation case. Co-Complainant Cambern also indicates that (with the exception of one call) every phone call to the office was sent to voicemail without a return call.

17. Complainant formally terminated the representation and ultimately resolved most of the issues with Mother without formal proceedings.

18. On March 12, 2014, the State Bar mailed Respondent an initial screening letter which was returned as undeliverable.

19. Due to the State Bar's inability to contact Respondent, State Bar investigator Michael Fusselman was asked to locate and serve Respondent with the screening letter in this case.

20. On April 21, 2014, Fusselman served Respondent at the Lower Level of the Maricopa County Superior Court, Central Court Building.

21. On April 29, 2014, Respondent informed the State Bar of his current address but indicated that he was moving over the course of the next week. Respondent was instructed to provide the State Bar with updated contact information as soon as possible.

22. On May 7, 2014, Respondent provided the State Bar with an initial response to the screening letter but failed to provide any updated contact information.

23. In addressing the reasonableness of his fees, Respondent claims that he performed legal services as well as sending Mother a follow up letter after the order of protection hearing and requested that Mother cease and desist making disparaging remarks about Complainant on Facebook and harassing Complainant's business clients.

24. Respondent also claims that he had several conversations with Complainant regarding the custody/visitation issues as Complainant relocated to San Diego, California.

25. While Complainant does acknowledge some conversations with Respondent, he admits that he not know the exact number of times but he denies the implication that Respondent frequently contacted him.

26. During the investigation of these allegations, the State Bar unsuccessfully attempted to contact Respondent regarding this matter as well as other State Bar files at all of Respondent's last known addresses.

COUNT THREE (File No. 13-3472/Navarro)

27. On July 21, 2004, Respondent filed a Notice of Appearance in the Maricopa County Superior Court case of *In re the Marriage of Chantal Dawn Wyse and Thomas Ryan Navarro*, FC2004-005707 (hereinafter referred to as "Lawsuit") on behalf of Complainant.

28. The lawsuit was litigated for several years and all issues were ultimately resolved in 2007. Respondent filed a Notice of Withdrawal on December 19, 2007.

29. In November 2012, Complainant paid Respondent Two Thousand Five Hundred Dollars (\$2500.00) to "intervene and prevent [the] child's Mother from relocating [the] daughter out of state on short notice."

30. On November 27, 2012, Respondent filed an objection with the Court to

prevent mother from relocating and requested a hearing on the relocation issue. Soon thereafter, Respondent began to prepare for the relocation hearing.

31. Shortly thereafter, the parties amicably resolved the custody disputes themselves.

32. Between December 2012 and June 2013, Respondent failed to communicate with Complainant regarding the amicable resolution between the parties.

33. Despite repeated demands, Respondent has not provided Complainant with an accounting or refund of the Two Thousand Five Hundred Dollars (\$2,500.00).

34. In his initial response to the State Bar on May 8, 2014, Respondent indicates that he wrote off "most of the fees" in the original representation and continued to provide legal advice to Complainant after the original representation.

35. Respondent further claims that he drafted certain pleadings when he was re-hired by Complainant and indicates that he has since ceased practicing as a family law attorney.

36. Due to the State Bar's inability to contact Respondent, State Bar investigator Michael Fusselman was asked to locate and serve Respondent with the screening letter in this case.

37. On April 21, 2014, Fusselman served Respondent at the Lower Level of the Maricopa County Superior Court, Central Court Building.

38. During the investigation of these allegations, the State Bar has unsuccessfully attempted to contact Respondent regarding this matter as well as other State Bar files at all of Respondent's last known addresses.

COUNT FOUR (File No. 14-0874/Quaranta)

39. On April 23, 2013, Respondent filed a Notice of Appearance in the Maricopa County Superior Court case of *In re the Marriage of Anthony Quaranta and Natalie Quaranta*, FN2013-070377 on behalf of Complainant.

40. Complainant paid Respondent Three Thousand Dollars (\$3,000.00) for the representation.

41. Unbeknownst to Complainant, a Status Conference was scheduled to occur on October 14, 2013. Complainant failed to appear and Respondent appeared telephonically without previously obtaining authority by the Court.

42. During the conference, opposing Counsel objected to Complainant's failure to appear and Respondent's unauthorized telephonic appearance.

43. As a result of Complainant's failure to appear and Respondent's unauthorized telephonic appearance, the Court awarded the opposing party Four Hundred Fifty Dollars (\$450.00) and ordered Complainant to pay the amount no later than January 31, 2014.

44. On April 8, 2014, the Court granted Complainant's request to substitute Respondent with successor counsel.

45. On April 21, 2014, successor counsel filed a motion to set aside the award of attorney's fees.

46. While the Court did not set aside the award of attorney's fees, the parties ultimately entered into a consent agreement in May 2014 wherein the parties agreed, in pertinent part, "[t]he judgment against Wife and in favor of Husband, is acknowledged by both parties to be considered the result of...Wife's former attorney, Clarence Calvin, and is to be null and void."

47. Due to the State Bar's inability to contact Respondent, State Bar investigator Michael Fusselman was asked to locate and serve Respondent with the screening letter in this case.

48. On April 21, 2014, Fusselman served Respondent at the Lower Level of the Maricopa County Superior Court, Central Court Building.

49. On May 8, 2014, Respondent provided his initial response to the State Bar.

50. During the investigation of these allegations, the State Bar has unsuccessfully attempted to contact Respondent regarding this matter as well as other State Bar files at all of Respondent's last known addresses.

CONDITIONAL ADMISSIONS

Respondent's admissions are being tendered in exchange for the form of discipline stated below and are submitted freely and voluntarily and not as a result of coercion or intimidation.

Respondent conditionally admits that his conduct violated Rule 42, Ariz. R. Sup. Ct., specifically:

Count One: Rule 54(e), Ariz. R. Sup. Ct., Rule 42, Ariz. R. Sup. Ct., ER 8.1 and Rule 54(d), Ariz. R. Sup. Ct.;

Count Two: Rule 42, Ariz. R. Sup. Ct., ER 1.3, Rule 42, Ariz. R. Sup. Ct., ER 1.4 and Rule 54(d), Ariz. R. Sup. Ct.;

Count Three: Rule 42, Ariz. R. Sup. Ct., ER 1.3, Rule 42, Ariz. R. Sup. Ct., ER 1.4, Rule 42, Ariz. R. Sup. Ct., ER 1.5, Rule 42, Ariz. R. Sup. Ct., ER 1.15, Rule 42, Ariz. R. Sup. Ct., ER 1.16 and Rule 42, Ariz. R. Sup. Ct., ER 8.4(d);

Count Four: Rule 42, Ariz. R. Sup. Ct., ER 1.3, Rule 42, Ariz. R. Sup. Ct., ER 1.4, Rule 42, Ariz. R. Sup. Ct., ER 1.5, Rule 42, Ariz. R. Sup. Ct., ER 1.15, Rule 42, Ariz. R. Sup. Ct., ER 1.16 and Rule 42, Ariz. R. Sup. Ct., ER 8.4(d).

CONDITIONAL DISMISSALS

The State Bar has conditionally agreed to dismiss no allegations.

RESTITUTION

Pursuant to Rule 60(a)(6), Ariz. R. Sup. Ct., restitution is an issue in three of the matters and the parties agree as follows:

- a. Respondent shall file a Petition for Fee Arbitration no later than ten (10) days after the entry of the Final Judgment and Order in this matter regarding his representation of Adam Burkhalter and/or Candace Cambern [SB 13-3468];

- b. Respondent shall file a Petition for Fee Arbitration no later than ten (10) days after the entry of the Final Judgment and Order in this matter regarding his representation of Thomas Navarro [SB 13-3472]; and
- c. Respondent shall pay One Hundred Sixty Six Dollars (\$166.00) payable to Natalie Quaranta [SB 14-0874].

SANCTION

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate: Long Term Suspension of Six Months and One Day.

If Respondent violates any of the terms of this agreement, further discipline proceedings may be brought.

LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standards* 1.3, Commentary. The *Standards* provide guidance with respect to an appropriate sanction in this matter. *In re Peasley*, 208 Ariz. 27, 33, 35, 90 P.3d 764, 770 (2004); *In re Rivkind*, 162 Ariz. 154, 157, 791 P.2d 1037, 1040 (1990).

In determining an appropriate sanction consideration is given to the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct and the existence of aggravating and mitigating factors. *Peasley*, 208 Ariz. at 35, 90 P.3d at 772; *Standard* 3.0.

The parties agree that the following *Standards* are the appropriate *Standards* given the facts and circumstances of this matter:

ER 1.3:(Diligence) & ER 1.4:(Communication)

Standard 4.42

Suspension is generally appropriate when a lawyer knowingly fails to perform services for a client or engages in a pattern of neglect and causes injury or potential injury to a client.

ER 1.5:(Fees)

Standard 4.63

Reprimand is generally appropriate when a lawyer negligently fails to provide a client with accurate or complete information, and causes injury or potential injury to a client.

ER 1.16:(Termination of Representation)

Standard 7.2

Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public or the legal system, or

ER 8.4(d):(Conduct Prejudicial To Administration of Justice)

Standard 6.22

Suspension is generally appropriate when a lawyer knowingly violates a court order or rule, and there is injury or potential injury to a client or a party, or interference or potential interference with a legal proceeding, or

Rule 8.1(a) & 54(d):(Violation of Obligations to Disciplinary System)

Standard 7.2

Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public, or the legal system.

The duty violated

As described above, Respondent's conduct violated his duty to his client, the profession and the legal system.

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent knowingly failed to communicate with his clients, knowingly failed to personally appear at a conference as ordered by the Court (instead telephonically appearing without prior Court approval) and knowing failed to cooperate with the State Bar or respond to lawful requests by the State Bar. Respondent further agrees that his conduct was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that there was actual or potential harm to his client, the profession and the legal system.

Aggravating and mitigating circumstances

The presumptive sanction in this matter is suspension. The parties conditionally agree that the following aggravating and mitigating factors should be considered.

In aggravation:

Standard 9.22(a) prior disciplinary offenses [SB No. 12-2413 (March 14, 2013): Admonition, two years of probation, MAP and costs (currently non-compliant)].

Standard 9.22(c) pattern of misconduct;

Standard 9.22(d) multiple offenses;

Standard 9.22(e) bad faith obstruction to disciplinary proceedings by intentionally failing to comply with rules; and

Standard 9.22(i) substantial experience in the practice of law [14 years].

In mitigation:

Standard 9.32(c) personal or emotional problems.

Discussion

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive sanction of suspension is appropriate.

The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter. This agreement was based on the following: Respondent's prior case and new information identifies issues which will be addressed by Respondent's participation in the Member Assistance Program (MAP).

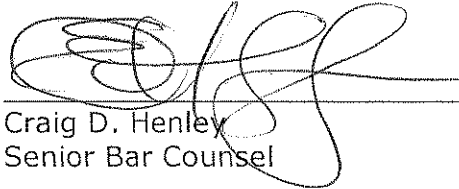
Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of Long-Term Suspension of Six Months and One Day. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit B.

DATED this 10th day of April 2015.

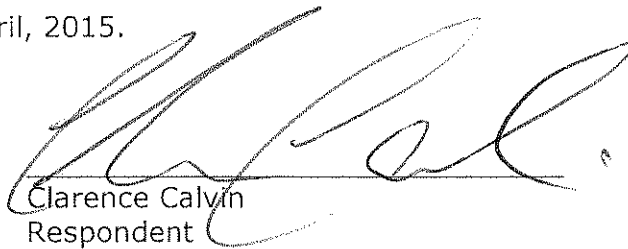
STATE BAR OF ARIZONA



Craig D. Henley
Senior Bar Counsel

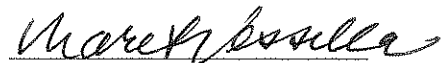
This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.

DATED this 10th day of April, 2015.



Clarence Calvin
Respondent

Approved as to form and content



Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 10th day of April 2015.

Copies of the foregoing mailed/emailed
this 10th day of April 2015 to:

Clarence Calvin
17 W. Vernon Ave Unit 15
Phoenix, AZ 85003-1161
ccalvin@azbar.org
Respondent

Copy of the foregoing emailed
this 11 day of April, 2015, to:

William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
Email: officepdj@courts.az.gov

Copy of the foregoing hand-delivered
this 11 day of April, 2015, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266

by:

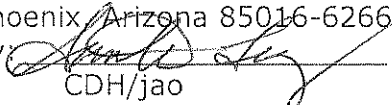

CDH/jao

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Current Member of the State Bar of Arizona,
Clarence Calvin, Bar No. 020397, Respondent

File No(s). 13-1052, 13-3468, 13-3472, and 14-0874

Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

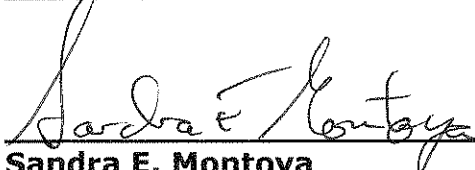
Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

**General Administrative Expenses
for above-numbered proceedings** **\$1,200.00**

Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

Staff Investigator/Miscellaneous Charges

04/14/14	Computer investigation reports, Accurint	\$ 16.95
Total for staff investigator charges		\$ 16.95
TOTAL COSTS AND EXPENSES INCURRED		\$1,216.95



Sandra E. Montoya
Lawyer Regulation Records Manager

4-10-15

Date

EXHIBIT B

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

IN THE MATTER OF A
CURRENT MEMBER OF
THE STATE BAR OF ARIZONA,

**Clarence Calvin,
Bar No. 020397,**

Respondent.

PDJ 2014-9105

FINAL JUDGMENT AND ORDER

[State Bar No. 13-1052, 13-3468, 13-3472 and 14-0874]

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on _____, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED that Respondent, **Clarence Calvin**, is hereby suspended for Six Months and One Day. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona for his or her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective 60 days from the date of this order or _____.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on probation for a period of two years and will pay the restitution amounts and/or timely file the Petitions for Fee Arbitration set forth in the Consent Documents.

IT IS FURTHER ORDERED that, Respondent shall participate in the LOMAP during probation and is ordered to contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days from the date of reinstatement. Respondent shall

submit to a LOMAP examination of their office procedures upon reinstatement. Respondent shall sign terms and conditions of participation, including reporting requirements, which shall be incorporated herein. Respondent will be responsible for any costs associated with LOMAP.

IT IS FURTHER ORDERED that Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of reinstatement hearings held.

NON-COMPLIANCE LANGUAGE

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof, is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

IT IS FURTHER ORDERED that, pursuant to Rule 72 Ariz. R. Sup. Ct., Respondent shall immediately comply with the requirements relating to notification of clients and others.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ _____, within 30 days from the date of service of this Order or interest will accrue at the statutory rate.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings in the amount of _____, within 30 days from the date of service of this Order or interest will accrue at the statutory rate.

DATED this _____ day of April, 2015

William J. O'Neil, Presiding Disciplinary Judge

Original filed with the Disciplinary Clerk of the Office of the Presiding Disciplinary Judge of the Supreme Court of Arizona this _____ day of April, 2015.

Copies of the foregoing mailed/mailed this _____ day of April, 2015.

Clarence Calvin
17 W. Vernon Ave Unit 15
Phoenix, AZ 85003-1161
Email: ccalvin@azbar.org
Respondent

Copy of the foregoing emailed/hand-delivered this _____ day of April, 2015, to:

Craig D. Henley
Senior Bar Counsel - Litigation
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Copy of the foregoing hand-delivered
this ____ day of April, 2015 to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266

by: _____